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STATE OF COLORADO } ss COUNTY OF ELBERT

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the 22<sup>nd</sup> day of August, A.D. 2012, there were present:

> Del Schwab John Shipper

Commissioner Chairman

Commissioner Kurt Schlegel Commissioner

Sheryl Caldwell Deputy, Clerk to the Board

When the following proceedings, among other, were had and done, to wit:

## AMENDMENT 1 - ORDINANCE 06-01

## AN AMENDMENT TO ORDINANCE 06-01 AN ORDINANCE RESTRICTING OPEN FIRES AND OPEN BURNING IN THE UNINCORPORATED AREAS OF ELBERT COUNTY

WHEREAS, the Elbert County Board of County Commissioners (hereinafter the "Board"), pursuant to section 30-11-107(1)(a) and section 30-15-401 et seq., C.R.S., has the general enabling power to adopt ordinances, resolutions, rules and other regulations as may be necessary for the control or licensing of those matters of purely local concern, and to do all acts which may be necessary or expedient to promote the health, safety, and welfare of the citizens of Elbert County; and

WHEREAS, section 30-15-401(1)(n.5), C.R.S., authorizes the Board to adopt an ordinance banning open fires to a degree an in a manner that the Board deems necessary to reduce the danger of wild fires within those portions of the unincorporated areas of the county where the danger of forest or grass fires is found to be high, and to ban the sale of fireworks in those unincorporated areas; and

WHEREAS, the Board adopted Ordinance No. 06-01, the Elbert County Open Fire and Open Burning Restriction Ordinance: and

WHEREAS, Ordinance No. 06-01 authorizes the Board to impose a restriction upon open fires and open burning in the unincorporated territory of Elbert County by adopting a resolution at any regularly scheduled or special meeting of the Board; and

WHEREAS, based on the recommendations of the Elbert County Office of Emergency Management, the Fire Chiefs Association of Elbert County, the Elbert County Sheriff, and though a survey of surrounding counties, the Board finds that an amendment to Ordinance 06-01 is required to effectively and expeditiously respond to the dangers of wildfire, forest and grass fires.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the County of Elbert, Colorado, that it is in the best interest for the safety and welfare of the citizens of Elbert County that Section VIII of Ordinance 06-01, the Elbert County Open Fire and Open Burning Restriction Ordinance be repealed and replaced in whole effective upon the adoption of Amendment 1 -Ordinance 06-01; and

BE IT FURTHER ORDAINED by the Board of County Commissioners of the County of

Elbert, Colorado, Section VIII of Ordinance 06-01 is amended to read as follows:

## Section VIII. Ban On Open Fires and Open Burning

- 1. The Board of County Commissioners of the County of Elbert or the Elbert County Sheriff shall, whenever the danger of wildfire, forest or grass fire is found to be high, have the authority to declare an open fire ban. Any declaration of an open fire ban made pursuant to this section shall specify whether Stage I Restrictions, Stage II Restrictions, or Stage III Restrictions are to be included in the ban as well as to specify the duration of the fire ban, as deemed necessary and appropriate.
- 2. Any declaration or action taken by the Board of County Commissioners of the County of Elbert or the Elbert County Sheriff shall be based upon a danger of wildfires within the areas where the danger of forest or grass fires is found to be high, by competent evidence which may include:
  - a. The recommendation of any fire chief or other fire authority having jurisdiction within Elbert County;
  - b. Any similar ban imposed under the authority of the Governor of the State of Colorado;
  - c. Any recommendation, or similar ban, from the State Forest Service, National Park Service, United States Forest Service, or any other agency of the State or Federal Government:
  - d. The recommendation of the County Parks and Open Lands Department;
  - e. The recommendation of any municipality within Elbert County;
  - f. The recommendation, or similar ban, of any county adjacent to Elbert County;
  - g. Any testimony or exhibits establishing that, due to weather, weather forecasts, or condition of forest, grass or other vegetation, the likelihood of a wildfire is high.
- 3. In the event that the Board of County Commissioners of the County of Elbert or the Elbert County Sheriff declares a fire ban pursuant to this section, notice that a fire ban has been declared along with statement as to the duration of the ban and the parameters of the ban, shall be given by a general press release and any other available means appropriate under the circumstances.

[REST OF PAGE INTENTIONALLY LEFT BLANK]

529518 B: 738 P: 728 ORDIN 08/30/2012 11:59:30 AM Page: 2 of 4 R 0.00 D Diana Hartsough/Recorder, Elbert County, Co **INTRODUCDED, READ AND ADOPTED ON FIRST READING**, on the 25<sup>th</sup> day of July, 2012, and ordered to be published in full in the Elbert County News.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF ELBERT, COLORADO

BY:

DEL SCHWAB, CHAIRMAN

ATTEST:

BY:

DÍANA HARTSÓŬGH

ELBERT COUNTY CLERK AND RECORDER



**ADOPTED ON SECOND AND FINAL READING**, on the 22<sup>nd</sup> day of August, 2012, and ordered published in its entirety in the Elbert County News.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF ELBERT, COLORADO

BY:

DEL SCHWAB, CHAIRMAN

ATTEST:

BY:

DIANA HARTSOUGH

ELBERT COUNTY CLERK AND RECORDER

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Diana-Hartsough/Recorder, Elbert County, Co

## **CERTIFICATE**

I hereby certify that the foregoing Amendment 1 to Ordinance No. 06-01 was introduced, read and adopted on first reading as an amendment to an ordinance necessary for the immediate preservation of the public health, safety and welfare at the regular meeting of the Board of County Commissioners of the County of Elbert on the 25<sup>th</sup> day of July, 2012, and the same was published in full in the Elbert County News, a newspaper of general circulation published in the Elbert County, on the 9<sup>th</sup> day of August, 2012, and thereafter was adopted on second and final reading at a regular meeting of the Board of County Commissioners of the County of Elbert on the 22<sup>nd</sup> day of August, 2012. Said Amendment 1 to Ordinance No. 06-01 was published in its entirety in the Elbert County News on the 30<sup>th</sup> day of August, 2012.

BY:  DIANA HARTSOUGH  ELBERT COUNTY CLERK AND RECORDER							
G							
State of Colorado	) ss.						
County of Elbert							
Subscribed and swo	orn to before me on this day of / 4445+, 2012 by Diana Hartsough, as the						

My Commission Expires June 15, 2013

My Commission Expires: 6-15-2013

Elbert County Clerk and Recorder.

ATTEST:

Notary Public

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Diana Hartsough/Recorder, Elbert County, Co